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12 *Attorneys for Plaintiff U.S. Bank
13 NA, successor trustee to Bank of
14 America, NA, successor in interest
15 to LaSalle Bank, NA, as trustee, on
16 behalf of the holders of the
17 Washington Mutual Mortgage
18 Pass-Through Certificates,
19 WMALT Series 2007-OA5*

20 UNITED STATES DISTRICT COURT

21 DISTRICT OF NEVADA

22 U.S. BANK NA, SUCCESSOR TRUSTEE
23 TO BANK OF AMERICA, NA,
24 SUCCESSOR IN INTEREST TO
25 LASALLE BANK, NA, AS TRUSTEE, ON
26 BEHALF OF THE HOLDERS OF THE
27 WASHINGTON MUTUAL MORTGAGE
28 PASS-THROUGH CERTIFICATES,
WMALT SERIES 2007-OA5,

Case No. 2:16-cv-02785-JCM-NJK

THIRD JOINT MOTION AND
STIPULATION TO TEMPORARILY
STAY LITIGATION

Plaintiff,

vs.

EAGLE INVESTORS, a Nevada
corporation; SHADOW SPRINGS
COMMUNITY ASSOCIATION, a Nevada
non-profit corporation,

Defendants.

1 SHADOW SPRINGS COMMUNITY
2 ASSOCIATION,
3 Third-Party Plaintiff,
4 v.
5 RED ROCK FINANCIAL SERVICES,
6 LLC,
7 Third-Party Defendant.
8 EAGLE INVESTORS,
9 Counterclaimant,
10 v.
11 U.S. BANK NA, SUCCESSOR TRUSTEE
12 TO BANK OF AMERICA, NA,
13 SUCCESSOR IN INTEREST TO
14 LASALLE BANK, NA, AS TRUSTEE, ON
15 BEHALF OF THE HOLDERS OF THE
16 WASHINGTON MUTUAL MORTGAGE
17 PASS-THROUGH CERTIFICATES,
WMALT SERIES 2007-OA5,
Counter-defendant.

18 Plaintiff U.S. Bank NA, Successor Trustee to Bank of America, NA, Successor
19 in Interest to LaSalle Bank, NA, as Trustee, on behalf of the Holders of the
20 Washington Mutual Mortgage Pass-Through Certificates, WMALT Series 2007-OA5
21 (the “Trust”), Defendant Eagle Investors, Defendant Shadow Springs Community
22 Association (the “HOA”), and Third-party Defendant Red Rock Financial Services,
23 LLC (“Red Rock”) (collectively the “Parties”), by and through their respective
24 counsel, hereby move and stipulate to temporarily stay litigation in this case for an
25 additional two (2) months. In support of this motion and stipulation, the Parties
26 state as follows:

27
28

1 1. This is a quiet title action arising from a homeowners' association
2 foreclose sale (the "Sale") of residential property located at 3225 Edinboro Ridge
3 Avenue, North Las Vegas, Nevada, APN 124-25-510-036 (the "Property").

4 2. The Parties have been actively engaged in settlement negotiations in
5 an attempt to entirely resolve this case without further litigation.

6 3. The Parties have conveyed several settlement offers and counter-offers
7 and are consulting with their clients regarding settlement.

8 4. A temporary stay was previously entered by this Court on November
9 28, 2017 (the "First Stay"), but the First Stay automatically lifted per the terms of
10 the Court's order on February 28, 2018.

11 5. Although the Parties made progress towards settlement, the First Stay
12 was not enough time to allow the Parties to reach a final agreement.

13 6. In order to continue settlement discussions, the Parties requested a
14 second stay from the Court, which was granted on April 6, 2018 (the "Second Stay").
15 The Second Stay automatically lifted per the terms of the Court's order on June 6,
16 2018.

17 7. The Parties have exchanged settlement offers and there is currently a
18 settlement offer outstanding. The Second Stay, however, was not enough time to
19 allow the Parties to reach a final agreement.

20 8. In an effort to preserve the resources of the Parties and the Court,
21 before the Parties proceed with additional discovery and dispositive motions, the
22 Parties would like to continue settlement negotiations.

23 9. The Parties request an additional stay of litigation to conclude
24 negotiations and attempt to resolve this case.

25 10. Therefore, pursuant to the inherent authority of this Court, the Parties
26 hereby stipulate and agree as follows:

- 1 a. All proceedings in the instant case, including motion and other
2 litigation and discovery deadlines, are stayed for two (2) months from the
3 date of an order granting this joint motion;
- 4 b. After the expiration of the foregoing period described in (8)(a),
5 the stay shall be automatically lifted;
- 6 c. Prior to the automatic expiration of the foregoing period
7 described in (5)(a), any party may unilaterally move to lift the stay;
- 8 d. Upon lifting of the stay, the Parties shall have two (2) months to
9 finish discovery. All discovery previously issued must be re-served.

10

11 Dated this 27th day of June, 2018.

12 BALLARD SPAHR LLP

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20 *Attorneys for Plaintiff and Counter-*
21 *Defendant the Trust*

22 Dated this 27th day of June, 2018.

23 AYON LAW, PLLC

24 By:/s/ Luis A. Ayon
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28 Las Vegas, Nevada 89148

29 *Attorneys for Defendant Eagle*
30 *Investors*

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Dated this 27th day of June, 2018.
KOCHE & SCOW LLC

By:/s/ David R. Koch
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*Attorneys for Defendant/Cross-
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Financial Services*

Dated this 27th day of June, 2018.

PENGILLY LAW FIRM

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*Attorneys for Shadow Springs
Community Association*

IT IS SO ORDERED.

Xenia C. Mahan
UNITED STATES DISTRICT JUDGE

DATED: June 28, 2018

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